

AMENDED IN SENATE APRIL 26, 2006

SENATE BILL

No. 1346

Introduced by Senator Ortiz

February 17, 2006

An act to amend Section 13151 of then Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 1346, as amended, Ortiz. Criminal procedure: disposition reports of criminal cases.

Existing law requires that a report be made by the superior court to the Department of Justice *and the law enforcement agency having primary jurisdiction to investigate the offense* when the court disposes of a case for which an arrest for certain crimes was made or when the court orders that fingerprints of the defendant be taken and submitted to the Department of Justice.

Existing law further requires that the information provided to the Department of Justice *and the law enforcement agency having primary jurisdiction to investigate the offense* in such cases contain specified information and be in a specified format.

This bill would provide that the reports ~~shall, in addition, contain the subject's right and left thumbprints. This bill would also specify an alternate procedure for providing identifying characteristics when the subject is physically unable to provide right and left thumbprints for the report~~ that are electronically transmitted to the department shall contain the subject's right and left thumbprints. Thumbprint capture personnel would be determined by each county's superior court, in consultation with the law enforcement agency providing court services, if applicable.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13151 of the Penal Code is amended to
2 read:

3 13151. (a) The superior court that disposes of a case for
4 which an arrest was required to be reported to the Department of
5 Justice pursuant to Section 13150 or for which fingerprints were
6 taken and submitted to the Department of Justice by order of the
7 court shall assure that a disposition report of such case containing
8 ~~the subject's right and left thumbprints and the applicable data~~
9 elements enumerated in Section 13125, or Section 13151.1 if
10 such disposition is one of dismissal, is furnished to the
11 Department of Justice within 30 days according to the procedures
12 and on a format prescribed by the department. *The court shall*
13 *also furnish a copy of such disposition report to the law*
14 *enforcement agency having primary jurisdiction to investigate*
15 *the offense alleged in the complaint or accusation. Whenever a*
16 *court shall order any action subsequent to the initial disposition*
17 *of a case, the court shall similarly report such action to the*
18 *department.*

19 (b) *Disposition reports, as described in subdivision (a), that*
20 *are electronically transmitted to the department shall contain the*
21 *subject's right and left thumbprints. Thumbprint capture*
22 *personnel shall be determined by each county's superior court,*
23 *in consultation with the law enforcement agency providing court*
24 *services, if applicable. In the event the subject is physically*
25 *unable to provide a right and left thumbprint, the court shall*
26 *make a determination as to how the subject might otherwise*
27 *provide suitable identifying characteristics and the court shall*
28 *note which digits, if any, are imprinted.* ~~The court shall also~~
29 ~~furnish a copy of such disposition report to the law enforcement~~
30 ~~agency having primary jurisdiction to investigate the offense~~
31 ~~alleged in the complaint or accusation. Whenever a court shall~~
32 ~~order any action subsequent to the initial disposition of a case,~~

1 ~~the court shall similarly report such proceedings to the~~
2 ~~department.~~

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